

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 07/06/04 TIME: 8:30 DEPT: B1P

CASE #: BC BS00060

CASE NAME: MATTER OF ROBERT J MULLIGAN

HEARING:

Hearing Re: FILING OF RECEIPTS & FINAL DISCHARGE.

COUNSEL:

LEONA C CAMPION	(PET)...JOHN W CRAWFORD
ROBERT J MULLIGAN	(CEP)...
DIANE D HARKISON	(SC)...M DANIEL SAYLOR

GENERAL INFORMATION: Continued from 5-25-04 for review of supplemental accounting.

THIS CASE IS SET FOR HEARING ON Filing of receipts by former Conservator, Leona Campion

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Review of the supplemental accounting explains what happened to the remaining funds. The funds that were believed missing are now accounted for.
2. There has been a photocopy of a receipt signed by a representative of the Public Guardian. It should be noted that the Public Guardian has filed 3 inventory and appraisals, but they do not include all assets received. There should be an additional supplement showing receipt of 50% interest in real property. Court may wish to order Public Guardian to file a supplemental inventory and appraisal.

RECOMMENDATION:

Court should order Campion to file an original verification of her supplement, only a photocopy was supplied. Campion should also be ordered to file the original receipt from the Public Guardian.

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HONORABLE JUDGE JOHN B GIBSON

DATE: 07/06/04 TIME: 8:30 DEPT: B1P

CASE #: BC BS00060

CASE NAME: MATTER OF ROBERT J MULLIGAN

HEARING:

Hearing re: ALLOWANCE OF COMPENSATION

COUNSEL:

LEONA C CAMPION	(PET)...	JOHN W CRAWFORD
ROBERT J MULLIGAN	(CEP)...	
DIANE D HARKISON	(SC)...	M DANIEL SAYLOR

GENERAL INFORMATION: continued from 5-25-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON PG's Petition for Allowance of Compensation

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Timeliness requirements satisfied. Court may award a just and reasonable fee.
2. PG seeking fee of \$350.
3. Attorney seeking fee of \$40.

RECOMMENDATION:

RFA

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HONORABLE JUDGE JOHN B GIBSON

DATE: 07/06/04 TIME: 8:30 DEPT: B1P

CASE #: BC BS00060

CASE NAME: MATTER OF ROBERT J MULLIGAN

HEARING:

OSC re: FILING OF INVENTORY & APPRAISAL

COUNSEL:

LEONA C CAMPION	(PET)...	JOHN W CRAWFORD
ROBERT J MULLIGAN	(CEP)...	
DIANE D HARKISON	(SC)...	M DANIEL SAYLOR

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON O.S.C. re filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. I cannot tell from the file if this is an O.S.C. re the former Conservator or the current Conservator. If it relates to the former Conservator, the court has already approved the final accounting and it would therefore appear that this matter would be moot. If on the other hand the matter refers to the Public Guardian, we still need a 3rd supplement that includes the 50% interest in real property.

RECOMMENDATION:

None.

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HONORABLE JUDGE JOHN B GIBSON

DATE: 07/06/04 TIME: 8:30 DEPT: B1P

CASE #: BC BS00078

CASE NAME: LEON MOTLEY

HEARING:
Accounting Review

	COUNSEL:
EDWARD FRANCO	(PET)...DAVID W BROWN
YOLANDA FRANCO	(PET)...DAVID W BROWN
LEON MOTLEY	(CEP)...JOHN F WEBER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed.

RECOMMENDATION:

When an accounting is not filed as required the court shall cause notice to be given to conservator or guardian and attorney. The court shall set the accounting for hearing within 60 days. Failure to file the accounting as ordered or within 45 days of receipt of notice, whichever is longer, shall constitute a contempt. Pr.C.§ 2620.2

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HONORABLE JUDGE JOHN B GIBSON

DATE: 07/06/04 TIME: 8:30 DEPT: B1P

CASE #: BG BS00373

CASE NAME: TIANA PACELLI

HEARING:
OSC re: DISMISSAL

	COUNSEL:
MARY J PAGE	(PET)...PRO/PER
JOHNNIE PAGE	(PET)...PRO/PER
TIANA PACELLI	(MIN)...

GENERAL INFORMATION: Continued from 5-25-04. No one appeared at the time of the last hearing.

THIS CASE IS SET FOR HEARING ON OSC re: Dismissal of Petition for Guardianship, person only, by maternal grandparents, minor 1

OSC re: Dismissal set because procedurally incomplete and no appearance at last few hearings.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Nothing new filed.

RECOMMENDATION:
Deny petition without prejudice.

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HONORABLE JUDGE JOHN B GIBSON

DATE: 07/06/04 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00635

CASE NAME: ROBERT L WILSON

HEARING:
Hearing re Final Discharge

COUNSEL:
GREGORY W WILSON (PET)...DIANA CARLONI NOURSE
ROBERT L WILSON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of receipts and discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge order have been filed.

RECOMMENDATION:

Suggest clerk notice counsel or administrator of the need to file documents.

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HONORABLE JUDGE JOHN B GIBSON

DATE: 07/06/04 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00665

CASE NAME: DAVID GLEN PETERSON

HEARING:

Hearing re Final Discharge

COUNSEL:

CLIFFORD E ANDERSON JR (PET)...JANET M HERRING
DAVID GLEN PETERSON (DEC)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Receipts have been filed.
2. Need final discharge order.

RECOMMENDATION:

Court require petitioner to file final discharge order.

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HONORABLE JUDGE JOHN B GIBSON

DATE: 07/06/04 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00683

CASE NAME: THE ESTATE OF G L GIARDINA

HEARING:

Hearing Re: FILING OF RECEIPTS AND FINAL DISCHARGE.

COUNSEL:

GENEVA LEE GIARDINA (DEC)...
TERESSA JANSSON (PET)...JOHN F WEBER

GENERAL INFORMATION: Continued from 5-4 and 6-1-04. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Receipts have been filed.
2. Need final discharge order.

RECOMMENDATION:

Court require petitioner to file final discharge order.

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HONORABLE JUDGE JOHN B GIBSON

DATE: 07/06/04 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00779

CASE NAME: BETTY JANE PRINCE

HEARING:
Readiness Calendar

	COUNSEL:
JON PRINCE	(PET)...JOHN F WEBER
BETTY JANE PRINCE	(DEC)...
ALBERT L PRINCE	(OBJ)...

GENERAL INFORMATION: continued from 6-8-04. Nothing new filed.
THIS CASE IS SET FOR HEARING ON Readiness

Off-Calendar? Parties settled matter and case ordered dismissed as to Defendant Albert Prince without prejudice.
Petition to Determine Succession has been approved by the court.

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HONORABLE JUDGE JOHN B GIBSON

DATE: 07/06/04 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00800

CASE NAME: RAYMOND L ALBERDING

HEARING:

Petition to determine succession to Real Property

COUNSEL:

LONNIE SWARTZ (PET)...PRO/PER
RAYMOND L ALBERDING (DEC)...

GENERAL INFORMATION: continued from 5-18-04. Nothing new filed.
THIS CASE IS SET FOR HEARING ON Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Did not file a complete copy of the will of Raymond Alberding.
2. Appears that petitioner is trying to skip a step. The property was owned by Raymond who died in 1997. Under his will, his wife Joyce was to inherit. Is Joyce still alive? Presumably not. Joyce's will leaves all her property to the trust, with Swartz named as the successor trustee. Petition should be filed by estate of Joyce since claiming from Raymond, and not by her devisee (trustee).
3. Need to file a second petition to cover the transfer from estate of wife to the trustee.
4. Petition must be in the name of Lonnie Swartz as successor trustee. Not correct to file it individually. Must file amended petition.

RECOMMENDATION:

Need to clear notes.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON

DATE: 07/06/04 TIME: 8:30 DEPT: B1P

CASE #: BPRBS00802

CASE NAME: MYRTLE L ALLEN

HEARING:
OSC re: SANCTIONS

	COUNSEL:
BARBARA PRANTE	(PET)...BRIAN J SIMPSON
MYRTLE L ALLEN	(DEC)...

GENERAL INFORMATION: This matter is moot. Court vacated this hearing on 5-24-04.

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PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JOHN B GIBSON -----

DATE: 07/06/03 TIME: 8:30 DEPT: B1P -----

12. CASE #: BPRBS00697

CASE NAME: NANCY HELEN BALDWIN

HEARING:

Hearing Re: FIRST AND FINAL ACCOUNT

COUNSEL:

ROBERT W BALDWIN
NANCY HELEN BALDWIN
JULIA D BALDWIN
JOHN F WEBER

(PET) ...ALLARD, SHELTON & O'CONNOR
(DEC)...
(PET) ... THOMAS J JEFFERS
(SPA) ... JOHN F WEBER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON First and final account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. File notice of hearing and proof of service.
2. Petitioner requests permission to withhold \$20,000 in closing costs.
3. Statutory fees are \$6,356.34. Petitioner is attorney Weber who is the administrator.
4. Petitioner requests extra-ordinary fees in the amount of \$2,535. Amount is itemized. The court will generally not consider awarding extra-ordinary fees until the executor and/or counsel establish that all ordinary fees have actually been earned. (In re Walker Estate (1963) 221 C.A.2d 792). Judge to decide
5. Petitioner requests that Julia Baldwin be reimbursed for property taxes paid on estate property.
6. Petitioner requests that Julia Baldwin's share of the estate be reduced by \$6,500 to cover costs of assignments filed with this court.

RECOMMENDATION:

Recommended for approval subject to number 1 and court's ruling on number 4. Set hearing for filing of receipts and final discharge order for 7-12-05.